

REMARKS

There remains pending in this application claims 1-6, 16 and 17, of which claim 1 is independent. No claims have been added or cancelled.

In view of the above amendments and the following remarks, favorable reconsideration and allowance of the above application is respectfully sought.

The invention as set forth now in independent claim 1 is directed to a sheet stacking apparatus which comprises a first tray and a second tray. The first tray is the one onto which sheets are discharged from an outlet are stacked and which is movable between a stacking position at which the sheets discharged from the outlet are stacked and a first retracted position above the outlet. The second tray is one on which the sheets discharged from the outlet are stacked, and is disposed below the first tray, the second tray being movable between a stacking position at which the sheets discharged from the outlet are stacked when the first tray is at the first retracted position and a second retracted position below the stacking position. The invention also includes a controller that controls movement of the first tray and the second tray independently of each other and is characterized in that when the sheets are to be stacked onto the first tray, the controller stops descending movement of the second tray when a moving distance of the second tray reaches a predetermined constant distance which is set so that the top surface of the sheets stacked on the second tray does not interfere with the first tray which is in the stacking position.

Independent claim 1 was rejected under 35 U.S.C. § 102(a) as being anticipated by Yamada et al. (U.S. Patent No. 6,494,453). In view of the above amendments and the following remarks, the rejection is respectfully traversed.

Yamada et al. has been discussed in the prior amendment and that discussion is incorporated herein. In Yamada et al., the finishing apparatus 200 detects that the ejection tray 2 has come to a lower limit position by means of a sensor SN8 for detecting a position of the uppermost sheet placed on the ejection tray 2. While the sensor SN8 is mounted at a predetermined position near the lower standby position, it generates a detection signal depending on a condition of the sheet. For example, when the stacked sheet has curled, the sensor generates a detection signal at an appropriate time, namely, a deferred time. Accordingly, in the finishing apparatus, the ejection tray cannot stop at a predetermined constant position. That is, the moving distance of the ejection tray is not constant.

In contrast to the disclosure of Yamada et al., in the sheet stacking apparatus as now recited in claim 1, the sending movement of a second tray is stopped when a moving distance of the second tray reaches a predetermined constant distance dependent on the condition of the sheet placed on the second tray. As such, the present invention allows for a reduction of moving time of the second tray and, as set forth above, clearly differs from the apparatus of Yamada et al.

The secondary reference to Borostyan (U.S. Patent No. 5,228,679) does not meet the above-discussed shortcomings of Yamada et al. More specifically, this reference merely describes that when the stacker is located at a stacking position, a top surface position of the stacker where an uppermost position of the stacked sheets in relation to an ejection position is controlled to be at a constant position. This reference is silent as to the timing for exchange between the first tray and the second tray. Thus, even in combination with Yamada et al., Borostyan does not teach or suggest the invention of independent claim 1.

Claims 2-6, 16 and 17 each depend from claim 1 and are therefore patentable over the art of record for reasons noted above with respect to claim 1. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Lastly, Applicants have amended the claims to address the rejections based on 35 U.S.C. § 112, second paragraph. In view of those amendments, withdrawal of the rejections under § 112 is respectfully sought.

Applicants respectfully submit that all outstanding matters in the above application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application is respectfully sought.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Lawrence A. Stahl/

Lawrence A. Stahl
Attorney for Applicants
Registration No. 30,110

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
LAS:eyw